



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3916

Introduced 2/26/2009, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

20 ILCS 450/15  
20 ILCS 450/17 new  
20 ILCS 450/20

Amends the Data Security on State Computers Act. Provides that the definition of "Agency" does not include public universities or their governing boards. Provides that the Act does not apply to the legislative branch of State government, the Office of the Lieutenant Governor, the Office of the Attorney General, the Office of the Secretary of State, the Office of the State Comptroller, or the Office of the State Treasurer. Requires the governing board of each public university in this State to implement and administer the provisions of the Act with respect to State-owned electronic data processing equipment utilized by the university. Provides that the governing board shall implement a policy to mandate that all hard drives of surplus electronic data processing equipment be cleared of all data and software before being prepared for sale, donation, or transfer by following certain requirements. For purposes of the Act and any other State directive requiring the clearing of data and software from State-owned electronic data processing equipment prior to sale, donation, or transfer by a public university, provides that the governing board of the university shall have and maintain responsibility for the implementation and administration of the requirements for clearing State-owned electronic data processing equipment utilized by the university. Effective immediately.

LRB096 11724 NHT 22446 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning data security.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Data Security on State Computers Act is  
5 amended by changing Sections 15 and 20 and by adding Section 17  
6 as follows:

7 (20 ILCS 450/15)

8 Sec. 15. Definitions. As used in this Act:

9 "Agency" means all parts, boards, and commissions of the  
10 executive branch of State government, other than public  
11 universities or their governing boards, including, but not  
12 limited to, ~~State colleges and universities and their governing~~  
13 ~~boards~~ and all departments established by the Civil  
14 Administrative Code of Illinois.

15 "Disposal by sale, donation, or transfer" includes, but is  
16 not limited to, the sale, donation, or transfer of surplus  
17 electronic data processing equipment to other agencies,  
18 schools, individuals, and not-for-profit agencies.

19 "Electronic data processing equipment" includes, but is  
20 not limited to, computer (CPU) mainframes, and any form of  
21 magnetic storage media.

22 "Authorized agency" means an agency authorized by the  
23 Department of Central Management Services to sell or transfer

1 electronic data processing equipment under Sections 5010.1210  
2 and 5010.1220 of Title 44 of the Illinois Administrative Code.

3 "Department" means the Department of Central Management  
4 Services.

5 "Overwrite" means the replacement of previously stored  
6 information with a pre-determined pattern of meaningless  
7 information.

8 (Source: P.A. 93-306, eff. 7-23-03.)

9 (20 ILCS 450/17 new)

10 Sec. 17. Exemption from Act. This Act does not apply to the  
11 legislative branch of State government, the Office of the  
12 Lieutenant Governor, the Office of the Attorney General, the  
13 Office of the Secretary of State, the Office of the State  
14 Comptroller, or the Office of the State Treasurer.

15 (20 ILCS 450/20)

16 Sec. 20. Establishment and implementation. The Data  
17 Security on State Computers Act is established to protect  
18 sensitive data stored on State-owned electronic data  
19 processing equipment to be (i) disposed of by sale, donation,  
20 or transfer or (ii) relinquished to a successor executive  
21 administration. This Act shall be administered by the  
22 Department or an authorized agency. The governing board of each  
23 public university in this State must implement and administer  
24 the provisions of this Act with respect to State-owned

1 electronic data processing equipment utilized by the  
2 university. The Department or an authorized agency shall  
3 implement a policy to mandate that all hard drives of surplus  
4 electronic data processing equipment be cleared of all data and  
5 software before being prepared for sale, donation, or transfer  
6 by (i) overwriting the previously stored data on a drive or a  
7 disk at least 10 times and (ii) certifying in writing that the  
8 overwriting process has been completed by providing the  
9 following information: (1) the serial number of the computer or  
10 other surplus electronic data processing equipment; (2) the  
11 name of the overwriting software used; and (3) the name, date,  
12 and signature of the person performing the overwriting process.  
13 The head of each State agency shall establish a system for the  
14 protection and preservation of State data on State-owned  
15 electronic data processing equipment necessary for the  
16 continuity of government functions upon it being relinquished  
17 to a successor executive administration.

18 For purposes of this Act and any other State directive  
19 requiring the clearing of data and software from State-owned  
20 electronic data processing equipment prior to sale, donation,  
21 or transfer by the General Assembly or a public university in  
22 this State, the General Assembly or the governing board of the  
23 university shall have and maintain responsibility for the  
24 implementation and administration of the requirements for  
25 clearing State-owned electronic data processing equipment  
26 utilized by the General Assembly or the university.

1 (Source: P.A. 93-306, eff. 7-23-03.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.